



REGULATORY FEES FACT SHEET

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

September 2009

WHAT YOU OWE – INTERSTATE TELECOMMUNICATIONS SERVICE PROVIDERS (ITSP) FOR FY 2009

This *Fact Sheet* provides information for interstate telecommunications service providers (ITSPs) to help them prepare and pay their ITSP regulatory fees. Telecommunications providers that are subject to the ITSP fee typically identify themselves on FCC Form 499-A filings using one or more of the following categories:¹

All Distance -- provides fixed local exchange services and interstate long distance services to end users for a flat rate (may also include intrastate toll).

CAP/CLEC (Competitive Access Provider/Competitive Local Exchange Carrier) -- competes with incumbent local exchange carriers (LECs) to provide local exchange services, or telecommunications services that link customers with interexchange facilities, local exchange networks, or other customers, other than coaxial cable providers.

Coaxial Cable -- uses coaxial cable (cable TV) facilities to provide local exchange services or telecommunications services that link customers with interexchange facilities, local exchange networks, or other customers.

Incumbent LEC -- provides local exchange services. An incumbent LEC generally is a carrier that was at one time franchised as a monopoly service provider. *See* 47 U.S.C. §251(h).

Interconnected VoIP provider – provides “interconnected VoIP service” as that term is defined in 47 CFR §9.3.

Interexchange Carrier (IXC) -- provides long distance telecommunications services substantially through switches or circuits that it owns or leases.

Local Reseller -- provides local exchange or fixed telecommunications services by reselling services of other carriers.

¹ If you timely filed an FCC 499-A (OMB Control No. 3060-0855) in 2009, information from this form will be used to calculate your FY 2009 Interstate Telecommunications Service Provider (ITSP) regulatory fee obligation.

Operator Service Provider (OSP) -- serves customers needing the assistance of an operator to complete calls, or needing alternate billing arrangements such as collect calling.

Payphone Service Provider -- provides customers access to telephone networks through payphone equipment, special teleconference rooms, etc. Payphone service providers also are referred to as payphone aggregators.

Prepaid Card -- provides prepaid calling card services by selling prepaid calling cards to the public or to retailers. Prepaid card providers typically resell the toll service of other carriers and determine the price of the service by setting the price of the card and controlling the number of minutes that can be used by the card.

Private Service Provider -- offers telecommunications to others for a fee on a non-common carrier basis. This would include a company that offers excess capacity on a private system that it uses primarily for internal purposes. This category does not include Specialized Mobile Radio operators.

Shared-Tenant Service Provider /Building LEC -- manages or owns a multi-tenant location that provides telecommunications services or facilities to the tenants for a fee.

Toll Reseller -- provides long distance telecommunications services primarily by reselling the long distance telecommunications services of other carriers.

Other Local and Other Toll Service Providers -- other providers of local exchange or toll services, including private service providers (which offer telecommunications services to others and includes companies that offer excess capacity on a private system that is used primarily for internal purposes) and VoIP Toll providers, which use IP technology to facilitate calls that originate and terminate on the public switched network and which undergo no net protocol conversion.

In its *FY 1996 Regulatory Fee Report and Order*, the Commission amended its rule regarding the Telecommunications Relay Service Fund administrator to permit the National Exchange Carrier Association (NECA) to process regulatory fees on behalf of its pooling exchange carriers and to submit their consolidated fees to our lockbox bank in a single payment instrument. However, we remind entities subject to regulatory fee payment that the regulatee, not an agent such as NECA, is responsible for ensuring that payment is made, and that there is a penalty for not submitting the entire fee in a timely manner.

Fee Payment Amount and Payment Type Code for ITSPs

Fee Payment Amount: \$0.00342 per dollar of subject revenue

Payment Type Code: 0972

Your Regulatory Fee Obligation and FCC Form 499-A

This *Fact Sheet* provides information for ITSPs providers to help them prepare and pay their ITSP regulatory fees. Beginning in FY 2009, ITSP providers will not receive a pre-completed regulatory fee bill (FCC Form 159-B) in the mail from the Commission. An ITSP regulatory fee bill will be created, but this bill will be available for viewing only by accessing Fee Filer. ITSP providers are

also required to make regulatory fee payments for all other fee categories. The ITSP bill that will be accessible in Fee Filer is based on information that you had previously provided on FCC Form 499-A, which was due on April 1, 2009, and includes updates processed through June 30, 2009.

MANDATORY USE OF FEE FILER

Beginning this year, licensees must begin the process of filing their annual regulatory fee obligation by entering the Commission's Fee Filer system with a valid FRN and password. Only Form 159-E vouchers generated from Fee Filer will be permitted to be submitted with regulatory fee payments to U.S. Bank.

There are many benefits to licensees for using the Commission's Fee Filer system: 1) expeditious submission of payment; 2) no postage or courier costs (when paid electronically through Fee Filer); 3) fewer errors caused by illegible handwriting or payments submitted without an FRN number or the appropriate data attributes (*e.g.*, payers will avoid receiving delinquency notices because of payment submission errors); 4) improved recordkeeping and payment reconciliation; 5) reduced administrative burden on both licensees and on Commission staff in processing regulatory fee payments; 6) less expensive than a wire transfer; and 7) a reduced burden of preparing, mailing, and storing paper documents.

Bear in mind that the U.S. Treasury rejects credit card transactions greater than \$99,999.99 from a single credit card in a single day, in accordance with U.S. Treasury Bulletin No. 2005-03. If you need to pay \$100,000.00 or more, then you must pay via a check, Automated Clearing House (ACH) debit or wire transfer. You may pay by ACH debit payment via Fee Filer.

If you choose to pay by check or money order, you must print the fee filer generated Form 159-E voucher and mail it along with your check/money order to U.S. Bank. If you choose to pay via wire transfer, you must fax your Form 159-E voucher to U.S. Bank one hour in advance of the wire transaction.

To Begin the Process:

To begin the process of filing your FY 2009 ITSP regulatory fee, please access the FCC's Fee Filer web application located at: <http://www.fcc.gov/fees/feefiler.html>.

You may incorporate within a single payment your ITSP fee and any other regulatory fees that you owe. If you log in with the FRN associated with your ITSP regulatory fee, you will be automatically presented with a pre-completed worksheet resembling a Form 159-W. Adjustments or corrections may be made electronically to this pre-completed worksheet, if necessary.

Payment methods for electronic filings:

- Online Credit Card via Fee Filer
- Online ACH Debit from Bank Account, via Fee Filer
- Check, money order, or credit card payment (mailed with a Fee Filer-produced Remittance Voucher Form 159-E)
- Wire Transfer (preceded by a faxed (314-418-4232) copy of a Fee Filer-generated Remittance Voucher Form 159-E – see <http://www.fcc.gov/fees/wiretran.html> for full instructions.)

Corrections to ITSP Worksheet

After logging into Fee Filer, you will have an opportunity to edit your pre-completed ITSP worksheet. Upon completion of your edits, you will have an opportunity to pay electronically or generate a Form 159-E “Remittance Advice” voucher which you can use to mail in along with your payment.

De Minimis Fee Exemption (Less Than \$10): If your ITSP regulatory fee amount due is under \$10, you may not be required to pay. Please review your information on the 159-W worksheet to ensure that the data used to calculate the fee amount is correct. If the data is correct and your total regulatory fee obligation, including your ITSP fee and all other FCC regulatory fees obligations that you may have, is less than \$10, then you do not owe any FCC regulatory fees for 2009. If that is the case, you do not need to respond to the Commission regarding your ITSP regulatory fee.

Frequently Asked Questions:

Question 1. What is the FCC Form 499-A Telecommunications Reporting Worksheet?

As required under the Communications Act of 1934, as amended,² the Commission has established, in a series of separate proceedings, procedures to finance interstate telecommunications relay services (TRS), universal service support mechanisms, administration of the North American Numbering Plan (NANPA), and shared costs of local number portability (LNPA). To accomplish these Congressional directed objectives, contributions are collected from all telecommunications carriers providing interstate telecommunications and certain other providers of telecommunications. In 1999, the Commission amended its rules so that for the purpose of determining their contribution(s), contributors to these mechanisms need only file the FCC Form 499-A Telecommunications Reporting Worksheet.³ The FCC Form 499-A is filed by interstate service providers each year on April 1. A copy of the form and instructions can be downloaded at <http://www.fcc.gov/formpage.html>.

Question 2. Which companies must file an FCC Form 499-A?

All providers of telecommunications and Interconnected VoIP services within the United States, with very limited exceptions, must file an FCC Form 499-A.⁴ For this purpose, the United States is defined as the contiguous United States, Alaska, Hawaii, American Samoa, Baker Island, Guam, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Island, Navassa Island, the Northern Mariana Islands, Palmyra, Puerto Rico, the U.S. Virgin Islands, and Wake Island. As a

² 47 U.S.C. §§151, 225, 251, 254.

³ 1998 Biennial Regulatory Review -- Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Services, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, CC Docket No. 98-171, Report and Order, 14 FCC Rcd 16602 (1999) (*Contributor Reporting Requirements Order*).

⁴ Section 254(d) applies not only to “every telecommunications carrier that provides interstate telecommunications services” but also to certain “other providers of interstate telecommunications.” 47 U.S.C. §254(d) (emphasis added).

general matter, each legal entity that provides interstate telecommunications and Interconnected VoIP services for a fee, including each affiliate or subsidiary of an entity, must complete separately and file a copy of the FCC Form 499-A. The Commission, however, has adopted an exception to the separate legal-entity requirement, which enables contributors meeting certain criteria to file the FCC Form 499-A on a consolidated basis.

For purposes of determining whether an entity provides telecommunications, please note that the term "telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. For the purpose of filing, the term "interstate telecommunications" includes, but is not limited to, the following types of services: wireless telephony including cellular and personal communications services (PCS); paging and messaging services; dispatch services; mobile radio services; operator services; access to interexchange service; interconnected Voice over Internet Protocol (VoIP) service, special access; wide area telecommunications services (WATS); subscriber toll-free services; 900 services; message telephone services (MTS); private line; telex; telegraph; video services; satellite services; and resale services. Note, for example, that all local exchange carriers provide access services and, therefore, provide interstate telecommunications. "Interconnected VoIP service" is defined in 47 CFR §9.3.

Note: entities that offer interstate telecommunications and Interconnected VoIP services for a fee to the public, even if only to a narrow or limited class of users that utilize their services, must file the FCC Form 499-A and are subject to the universal service contribution requirement. This includes entities that provide interstate telecommunications to entities other than themselves for a fee on a private, contractual basis. In addition, owners of pay telephones, sometimes referred to as "pay telephone aggregators," must file this worksheet. Most telecommunications carriers must file this worksheet even if they qualify for the *de minimis exemption* under the Commission's rules for universal service.⁵

Question 3. Should all FCC Form 499-A filers also pay ITSP regulatory fees?

No. Interstate service providers that have mobile service or satellite service revenues but that do not have interstate local revenues or interstate toll revenues are exempt from payment of ITSP fees. Interstate service providers that provide service to only other carriers are also exempt from paying ITSP regulatory fees. Governmental entities and entities that are tax exempt under §501 of the Internal Revenue Code are exempt. Carriers whose total regulatory fee payment obligation is less than \$10 are also exempt. However, the vast majority of FCC Form 499-A filers are required to pay ITSP regulatory fees.

⁵ See *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Administration of the North American Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability, Truth-in-Billing and Billing Format*, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Further Notice of Proposed Rulemaking and Report and Order, 17 FCC Rcd 3752 (2002).

Question 4. Should a carrier make a regulatory fee payment if it has not filed an FCC Form 499-A?

Yes. If a telecommunications or Interconnected VoIP service provider offered interstate telecommunications services in 2007, then it should have filed an FCC Form 499-A, and it must also pay the appropriate regulatory fee payments. The FCC Form 499-A was due on April 1, 2009 and should have contained revenue information for calendar year 2008. Carriers who have not yet filed the FCC Form 499-A should contact the Universal Service Administrative Company (USAC) at (888) 641-8722 in order to obtain a filing package and to be assigned a 6-digit Filer 499 ID number. If a carrier has forgotten its Filer 499 ID, it may contact USAC at (888) 641-8722, or it may access the Commission's online carrier *Locator*: <http://gullfoss2.fcc.gov/cib/form499/499a.cfm> .

Question 5. What types of revenues are reported on the FCC Form 499-A?

The FCC Form 499-A requires filers to disclose all revenues from all goods and services, including revenues from non-regulated and non-telecommunications services. Detailed information is submitted for telecommunications and Interconnected VoIP services provided to other carriers, for telecommunications and Interconnected VoIP provided to end users, and for other goods and services. The detailed information is used to classify revenues. Only certain revenues are subject to the ITSP regulatory fee.

Question 6. When calculating the ITSP regulatory fee, what kind of costs can be deducted from revenues that appear on FCC Form 499-A?

None. The ITSP regulatory fee is based on billed interstate and international end-user revenues for local and most toll services. Other types of revenues provided on FCC Form 499-A are excluded. Filers are not allowed to deduct any expenses from subject end-user revenues. Filers may not reduce revenues to reflect uncollectible amounts.

Question 7. Where can I call to get help calculating my ITSP regulatory fee?

Call the FCC Financial Operations Help Desk at (877) 480-3201, and select Option 4.

DO NOT MAIL IN THIS FORM

Approved by OMB
3060-0589

**FCC FORM 159-W
INTERSTATE TELEPHONE SERVICE PROVIDER WORKSHEET**

Payer Name:		Filer 499 ID (FCC Form 499-A, Line 101):
Calendar Year 2008 Revenue Information (show amounts in whole dollars)		
1	Service provided by U.S. carriers that both originates and terminates in foreign points. FCC Form 499-A, Line 412 (e)	
2	Interstate end-user revenues from all telecommunications services. FCC Form 499-A, Line 420 (d)	
3	International end-user revenues from all telecommunications and IVoIP services except international-to-international. FCC Form 499-A, Line 420 (e)	
4	Total interstate and international end-user revenues (Sum of lines 1, 2 and 3) Note: Also enter this number on Block (28A) - FCC Code 1.	
5	End-user interstate mobile service monthly and activation charges. FCC Form 499-A, Line 409 (d)	
6	End-user international mobile service monthly and activation charges. FCC Form 499-A, Line 409 (e)	
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A, Line 410 (d)	
8	End-user international mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A, Line 410 (e)	
9	End-user interstate satellite service. FCC Form 499-A Line 416 (d)	
10	End-user international satellite service. FCC Form 499-A Line 416 (e).	
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. Note: You may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.	
12	Interstate and international revenues from resellers that do not contribute to USF. FCC Form 499-A, Line 511 (b)	
13	Total excluded end-user revenues. (Sum of lines 5 through 12.) Note: Also enter this number on Block (29A) – FCC Code 2.	
14	Total subject revenues. (Line 4 minus Line 13) Also enter this number on Block (25A) – Quantity. Please round to nearest dollar.	
15	Interstate telecommunications service provider fee factor	.00342
16	2009 Regulatory Fee (Line 14 times Line 15). Also enter this number on Block (27A) – Total Fee. You are exempt from filing if the sum of all regulatory fees due on Line 16 is less than \$10. Note: This is only a worksheet for your records and should not be used to accompany your payment.	Please Round to Nearest Dollar

FCC FORM 159-W
September 2009

FCC NOTICE TO INDIVIDUALS REQUIRED BY THE PAPERWORK REDUCTION ACT

The public reporting for the two collections of information mentioned herein are estimated as follows: FCC Form 159-W (3060-0949), 15 minutes per response; FCC Form 499-A (3060-0855), 10 to 13.5 hours per response; and FCC Forms 159 and 159-C (3060-0589), 10 minutes to 4 hours. The estimated time to respond includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection, please write to the Federal Communications Commission, AMD-PER, Paperwork Reduction Project ((3060-0949), (3060-0855), and/or (3060-0589), Washington, DC 20554. We will also accept your comments via the Internet if you send them to pra@fcc.gov. PLEASE DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.

You are not required to respond to a collection of information sponsored by the federal government, and the government may not conduct or sponsor a collection, unless it displays a currently valid OMB control number. FCC Form 159-W has been assigned OMB Control Number 3060-0949; FCC Form 499-A has been assigned OMB Control Number 3060-0855; and FCC Forms 159 and 159-C have been assigned OMB Control Number 3060-0589.

THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, P.L. 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

-FCC-